

173-422 MOTOR VEHICLE EMISSION INSPECTION

Last Date Filed with Code Reviser: 10/9/96

173-422-010	Purpose.
173-422-020	Definitions.
173-422-030	Vehicle emission inspection requirement.
173-422-035	Registration requirements.
173-422-040	Noncompliance areas.
173-422-050	Emission contributing areas.
173-422-060	Gasoline vehicle emission standards.
173-422-065	Diesel vehicle exhaust emission standards.
173-422-070	Gasoline vehicle exhaust emission testing procedures.
173-422-075	Diesel vehicle inspection procedure.
173-422-090	Exhaust gas analyzer specifications.
173-422-095	Exhaust opacity testing equipment.
173-422-100	Testing equipment maintenance and calibration.
173-422-120	Quality assurance.
173-422-130	Inspection fees.
173-422-145	Fraudulent certificates of compliance/acceptance.
173-422-160	Fleet and diesel owner vehicle testing requirements.
173-422-170	Exemptions.
173-422-175	Fraudulent exemptions.
173-422-190	Emission specialist authorization.
173-422-195	Listing of authorized emission specialists.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

173-422-080	Vehicle inspection data handling procedures. [Statutory Authority: RCW 70.120.120, 43.21A.080, 70.94.331 and 70.94.141(1). 83-23-115 (Order DE 83-31), § 173-422-080, filed 11/23/83, effective 1/2/84. Statutory Authority: RCW 70.120.120. 82-02-027 (Order DE 81-32), § 173-422-080, filed 12/31/81; 80-03-070 (Order DE 79-35), § 173-422-080, filed 2/28/80.] Repealed by 93-10-062 (Order 91-46), filed 5/3/93, effective 6/3/93. Statutory Authority: Chapter 70.120 RCW.
173-422-110	Date system requirements. [Statutory Authority: RCW 70.120.120. 82-02-027 (Order DE 81-32), § 173-422-110, filed 12/31/81; 80-03-070 (Order DE 79-35), § 173-422-110, filed 2/28/80.] Repealed by 93-10-062 (Order 91-46), filed 5/3/93, effective 6/3/93. Statutory Authority: Chapter 70.120 RCW.
173-422-140	Inspection forms and certificates. [Statutory Authority: Chapter 70.120 RCW. 93-10-062 (Order 91-46), § 173-422-140, filed 5/3/93, effective 6/3/93; 90-06-062, § 173-422-140, filed 3/6/90, effective 4/6/90. Statutory Authority: RCW 70.120.120, 43.21A.080, 70.94.331 and 70.94.141(1). 83-23-115 (Order DE 83-31), § 173-422-140, filed 11/23/83, effective 1/2/84. Statutory Authority: RCW 70.120.120. 82-02-027 (Order DE 81-32), § 173-422-140, filed 12/31/81; 80-03-070 (Order DE 79-35), § 173-422-140, filed 2/28/80.] Repealed by 94-05-039 (Order 93-10), filed 2/8/94, effective 3/11/94. Statutory Authority: Chapter 70.120 RCW.
173-422-150	Inspection personnel requirements. [Statutory Authority: RCW 70.120.120. 80-03-070 (Order DE 79-35), § 173-422-150, filed 2/28/80.] Repealed by 93-10-062 (Order 91-46), filed 5/3/93, effective 6/3/93. Statutory Authority: Chapter 70.120 RCW.
173-422-180	Air quality standards. [Statutory Authority: RCW 70.120.120. 80-03-070 (Order DE 79-35), § 173-422-180, filed 2/28/80.] Repealed by 93-10-062 (Order 91-46), filed 5/3/93, effective 6/3/93. Statutory Authority: Chapter 70.120 RCW.

173-422-010 PURPOSE.

This chapter implements the Washington Clean Air Act, chapter 70.94 RCW, as supplemented by the motor vehicle emission inspection provisions codified as chapter 70.120 RCW.

Gasoline motor vehicles are the primary emitters of carbon monoxide and emit significant quantities of hydrocarbons and oxides of nitrogen. Diesel motor vehicles are emitters primarily of particulates, hydrocarbons, and oxides of nitrogen. Emission controls required by the federal government are designed to reduce motor vehicle related air pollution. However, the effectiveness of these controls is substantially reduced through deterioration, maladjustment and tampering. Motor vehicle emission inspection serves to identify high polluting vehicles and

vehicles with tampered or missing emission controls and to reduce their emissions, when such reduction can be accomplished at reasonable cost. These rules establish the emission standards, testing procedures, and associated activities necessary to implement a program of air pollution prevention and control resulting from motor vehicle emission inspections.

[Statutory Authority: Chapter 70.120 RCW. 93-10-062 (Order 91-46), § 173-422-010, filed 5/3/93, effective 6/3/93. Statutory Authority: RCW 70.120.120, 43.21A.080, 70.94.331 and 70.94.141(1). 83-23-115 (Order DE 83-31), § 173-422-010, filed 11/23/83, effective 1/2/84. Statutory Authority: RCW 70.120.120. 80-03-070 (Order DE 79-35), § 173-422-010, filed 2/28/80.]

173-422-020 DEFINITIONS.

Unless a different meaning is clearly indicated by context, the following definitions will apply:

- (1) "Appropriate repair" means the diagnosis of the cause(s) of an emission test failure and the repair of one or more of these causes. An appropriate repair should reduce at least one emission test reading.
- (2) "Certificate of acceptance" means an official form, issued by someone authorized by the department, which certifies that the following conditions have been met:
 - (a) The vehicle failed an emission inspection; and
 - (b) The vehicle failed a reinspection; and
 - (c) The vehicle has been in use for more than five years or fifty thousand miles; and
 - (d) All primary emission control components installed by the vehicle manufacturer, or its appropriate replacement, are installed and operative; and
 - (e) The recipient has provided original receipts listing and providing the cost of each appropriate repair performed by an authorized emission specialist between the initial and last inspection; and
 - (f) The total cost of the appropriate repairs must equal or exceed:

Pre-1981 vehicles	\$100
1981 and newer	\$150

If needed to prevent federal sanctions, the minimum total cost of appropriate repairs required to obtain a certificate of acceptance may be increased to four hundred fifty dollars.

Before increasing the repair cost requirement ecology shall evaluate ways to alleviate the economic hardships resulting from vehicle repair costs incurred by vehicle owners in an effort to comply with this regulation.

- (3) "Certificate of compliance" means an official form, issued by someone authorized by the department, which certifies that the recipient's vehicle on inspection complied with applicable emission inspection standards.
- (4) "Authorized emission specialist" means an individual who has been issued a certificate of instruction by the department as authorized in RCW 70.120.020 (2)(a) and has maintained the certification by meeting requirements of WAC 173-422-190(2).
- (5) "Dealer" means a motor vehicle dealer, as defined in chapter 46.70 RCW as amended, that is licensed pursuant to chapter 46.70 RCW.
- (6) "Department" means the department of ecology.
- (7) "Emission contributing area" means a land area within whose boundaries are registered motor vehicles that contribute significantly to the violation of motor vehicle related air quality standards in a noncompliance area.
- (8) "Fleet" means a group of fifteen or more motor vehicles owned or leased concurrently by one owner assigned a fleet identifier code by the department of licensing.
- (9) "Gross vehicle weight rating (GVWR)" means the manufacturer stated gross vehicle weight rating.
- (10) "Motor vehicle" means any self-propelled vehicle required to be licensed pursuant to chapter 46.16 RCW.
- (11) "Noncompliance area" means a land area within whose boundaries any air quality standard for any air contaminant from the emissions of motor vehicles will probably be exceeded.
- (12) "PPM" means parts per million by volume.
- (13) "Primary emission control components" means the components of the vehicle installed by the manufacturer for the purpose of reducing emissions or its replacement or modification which is acceptable to the United States Environmental Protection Agency. These components are the fuel inlet restrictor, the catalytic converter or thermal reactor, the air injection system components, the thermostatic air cleaner, the exhaust gas recirculation system components, the evaporative emission system components including the gas cap, the positive crankcase ventilation system components and the electronic control unit components that control the air/fuel mixture and/or ignition timing including all related sensors.

The primary emission control components of a vehicle with a different engine than the engine originally installed shall be an Environmental Protection Agency certified engine/emission control combination for that vehicle or its newer model.

[Statutory Authority: Chapter 70.120 RCW. 95-06-068 (Order 93-35), § 173-422-020, filed 2/28/95, effective 3/31/95; 94-05-039 (Order 93-10), § 173-422-020, filed 2/8/94, effective 3/11/94; 93-10-062 (Order 91-46), § 173-422-020, filed 5/3/93, effective 6/3/93; 90-06-062, § 173-422-020, filed 3/6/90, effective 4/6/90. Statutory Authority: RCW 70.120.120, 43.21A.080,

70.94.331 and 70.94.141(1). 83-23-115 (Order DE 83-31), § 173-422-020, filed 11/23/83, effective 1/2/84. Statutory Authority: RCW 70.120.120. 80-03-070 (Order DE 79-35), § 173-422-020, filed 2/28/80.]

173-422-030 VEHICLE EMISSION INSPECTION REQUIREMENT.

All motor vehicles, not specifically exempted by WAC 173-422-170, which are registered or reregistered within the boundaries of an emission contributing area, as specified in WAC 173-422-050, are subject to the vehicle emission inspection requirements of this chapter. In addition, the department may require an emission inspection of a motor vehicle, except military tactical vehicles, operated for more than sixty days a year on a federal installation located within an emission contributing area, or a vehicle garaged at a location within an emission contributing area, or a vehicle which has previously passed an emission inspection but has been identified using on road testing as likely to no longer comply with the inspection standards. Neither the department of licensing nor its agents may change the registered owner or may issue or renew a motor vehicle license for any vehicle registered in an emission contributing area, as that area is established under RCW 70.120.150, unless the application for issuance or renewal is: (1) Accompanied by a valid certificate of compliance issued pursuant to RCW 70.120.080 or 70.120.170 or a valid certificate of acceptance issued pursuant to RCW 70.120.070; or (2) exempted from this requirement pursuant to RCW 46.16.015(2). The certificates must have a date of validation which is within six months of the date of application for the vehicle license, license renewal or registered owner change. However, (a) an emission inspection used to change the registered owner may also be used to renew the current license; (b) an emission inspection used to obtain the current license may also be used to change the registered owner. Certificates for fleet or owner tested vehicles may have a date of validation which is within twelve months of the assigned license renewal date.

[Statutory Authority: Chapter 70.120 RCW. 96-21-029 (Order 95-11), § 173-422-030, filed 10/9/96, effective 11/9/96; 95-06-068 (Order 93-35), § 173-422-030, filed 2/28/95, effective 3/31/95; 94-05-039 (Order 93-10), § 173-422-030, filed 2/8/94, effective 3/11/94; 93-10-062 (Order 91-46), § 173-422-030, filed 5/3/93, effective 6/3/93. Statutory Authority: RCW 70.120.120, 43.21A.080, 70.94.331 and 70.94.141(1). 83-23-115 (Order DE 83-31), § 173-422-030, filed 11/23/83, effective 1/2/84. Statutory Authority: RCW 70.120.120. 80-03-070 (Order DE 79-35), § 173-422-030, filed 2/28/80.]

173-422-035 REGISTRATION REQUIREMENTS.

- (1) Persons residing in emission contributing areas as defined under WAC 173-422-050 shall register their motor vehicles within that area.
- (2) Any person who violates this section shall reregister their motor vehicle within the emission contributing area, obtain a certificate of compliance or acceptance within thirty days, and is subject to a civil penalty not to exceed two hundred fifty dollars for each violation.

- (3) Any civil penalty imposed by the department hereunder shall be appealable to the pollution control hearings board as provided for in chapter 43.21B RCW.

[Statutory Authority: Chapter 70.120 RCW. 95-06-068 (Order 93-35), § 173-422-035, filed 2/28/95, effective 3/31/95; 93-10-062 (Order 91-46), § 173-422-035, filed 5/3/93, effective 6/3/93; 90-06-062, § 173-422-035, filed 3/6/90, effective 4/6/90.]

173-422-040 NONCOMPLIANCE AREAS.

The following areas are designated noncompliance areas for the air contaminants specified:

Carbon monoxide

- (1) The city of Seattle.
- (2) The city of Bellevue.
- (3) The city of Spokane.
- (4) The city of Tacoma.
- (5) The city of Vancouver.
- (6) The city of Everett.

[Statutory Authority: Chapter 70.120 RCW. 93-10-062 (Order 91-46), § 173-422-040, filed 5/3/93, effective 6/3/93; 90-06-062, § 173-422-040, filed 3/6/90, effective 4/6/90. Statutory Authority: RCW 70.120.120, 43.21A.080, 70.94.331 and 70.94.141(1). 83-23-115 (Order DE 83-31), § 173-422-040, filed 11/23/83, effective 1/2/84. Statutory Authority: RCW 70.120.120. 82-02-027 (Order DE 81-32), § 173-422-040, filed 12/31/81; 80-03-070 (Order DE 79-35), § 173-422-040, filed 2/28/80.]

173-422-050 EMISSION CONTRIBUTING AREAS.

Emission contributing areas within which the motor vehicle emission inspection program applies are designated by the following United States Postal Service ZIP codes as of September 1, 1994, set forth below:

- (1) Puget Sound Region

98001	98036	98083
98002	98037	98092
98003	98038	98093
98004	98039	98101 thru 98199
98005	98040	inclusive except 98110
98006	98041	98201 thru 98208
98007	98042	98258
98008	98043	98270

98009	98046	98271
98011	98047	98275
98012	98052	98290
98015	98053	98291
98020	98054	98327
98021	98055	98332
98023	98056	98335
98025	98057	98338
98026	98058	98344
98027	98059	98352
98028	98062	98354
98031	98063	98371 thru 98374
98032	98064	98387
98033	98071	98388
98034	98072	98390
98035	98073	98401 thru 98499

(2) Spokane Region

99001
 99005
 99014
 99016
 99019
 99021
 99025
 99027
 99037
 99201 thru 99299

(3) Vancouver Region

98604 except north of N.E. 279th Street
 98606
 98607
 98629 except east of N.E. 50th Avenue
 98642
 98660 thru 98668
 98671 except Skamania County
 98682-86

[Statutory Authority: Chapter 70.120 RCW. 96-21-029 (Order 95-11), § 173-422-050, filed 10/9/96, effective 11/9/96; 95-06-068 (Order 93-35), § 173-422-050, filed 2/28/95, effective 3/31/95; 94-05-039 (Order 93-10), § 173-422-050, filed 2/8/94, effective 3/11/94; 93-10-062 (Order 91-46), § 173-422-050, filed 5/3/93, effective 6/3/93; 84-09-087 (Order DE 84-7), § 173-422-050, filed 4/18/84. Statutory Authority: RCW 70.120.120, 43.21A.080, 70.94.331 and 70.94.141(1). 83-23-115 (Order DE 83-31), § 173-422-050, filed 11/23/83, effective 1/2/84. Statutory Authority: RCW 70.120.120. 82-02-027 (Order DE 81-32), § 173-422-050, filed 12/31/81; 80-03-070 (Order DE 79-35), § 173-422-050, filed 2/28/80.]

173-422-060 GASOLINE VEHICLE EMISSION STANDARDS.

Gasoline motor vehicles subject to this chapter shall:

- (1) When tested using the exhaust emission testing procedures described in (II) Two Speed Idle Test or (III) Loaded Test of Appendix B Test Procedures of Subpart S-Inspection/Maintenance Program Requirements of Part 51 of Chapter 1, Title 40 of the Code of Federal Regulations adopted November 1, 1992, meet the applicable exhaust emission standards from the following table during both the idle and higher speed mode prior to receiving a certificate of compliance.
- (2) When tested using the acceleration simulation mode (ASM) procedure specified in WAC 173-422-070 meet the following standards during that mode and the applicable standard from WAC 173-422-060(1) during the idle mode to receive a certificate of compliance. ASM testing will not start in a region until ecology has considered all comments on the need for ASM testing obtained at a public hearing held in that region.

Compliance with the NOx standards will not be required of vehicles tested in a region until the following conditions are met:

- (a) Ecology has determined that a reduction of NOx emissions in that region will assist in attaining or maintaining the national air quality standard for ozone.
- (b) Ecology has considered all comments received at a public hearing held in that region.
- (c) For at least twenty-four months prior, the vehicle emission test reports have included the NOx reading.

ASM Mode Exhaust Emission Standards

Model Year Test Weight (lbs.)	CO(%)*	HC(ppm)	NOx(ppm)*
1968-1974 cars and trucks (0-8500 lbs. GVWR)			
1750	7.3	690	None
1875	6.8	650	
2000	6.5	620	

2125	6.1	580	
2250	5.8	550	
2375	5.5	520	
2500	5.2	500	
2625	5.0	470	
2750	4.7	450	
2875	4.5	430	
3000	4.3	410	
3125	4.2	400	
3250	4.0	400	
3375	3.9	400	
3500	3.7	400	
3635	3.6	400	
cars 3750 & greater	3.5	400	
trucks 3750 & greater	4.0	500	
1975-1980 cars and trucks (0-8500 lbs. GVWR)			
1750	4.2	400	None
1875	4.0	380	
2000	3.8	350	
2125	3.6	340	
2250	3.4	320	
2375	3.2	300	
2500	3.0	290	
2625	2.9	270	
2750	2.8	260	
2875	2.7	250	
3000	2.6	240	
3125	2.5	230	
3250	2.4	220	
3375	2.3	220	
3500	2.2	210	
3625	2.1	200	
cars 3750 & greater	2.1	200	
trucks 3750 & greater	2.5	300	
1981 & newer cars and trucks (0-8500 lbs. GVWR)			
1750	1.8	250	1500
1875	1.7	240	1500
2000	1.6	220	1500
2125	1.5	210	1500
2250	1.5	200	1500
2375	1.4	190	1500
2500	1.3	180	1500
2625	1.3	180	1500
2750	1.2	170	1500

2875	1.2	160	1500
3000	1.1	160	1500
3125	1.1	150	1500
3250	1.0	150	1500
3375	1.0	150	1500
3500	1.0	150	1500
3625	1.0	150	1500
cars 3750 & greater	1.0	150	1500
trucks 3750 & greater	1.5	200	2000

*The concentration of the gases, carbon monoxide (CO) and hydrocarbons (HC), oxides of nitrogen (NO_x) measured as either a percentage (%) or parts per million (ppm) of the exhaust volume.

- (3) If a 1971 or newer model year vehicle, the gasoline filler cap must not leak more than 60 cubic centimeters per minute at a pressure of 30 inches of water. Gas cap checking will not start in a region until ecology has considered all comments on the need for gas cap checking obtained at a public hearing held in that region.
- (4) If a 1996 or newer model vehicle is equipped with an Environmental Protection Agency certified on-board diagnostic (OBD) system, the information stored in the on-board computer must indicate that all emission-related functional checks have been completed and no malfunctions detected.

Exhaust Emission Standards

Model Year	CO(%)*	HC (ppm)*
68-74	6.0	900
75-80	3.0	600
81-99 (0-8500 GVWR)	1.2	220
81-99 (Greater than 8500 GVWR)	3.0	400

*

The concentration of the gases, carbon monoxide (CO) and hydrocarbons (HC), measured as either a percentage (%) or parts per million (ppm) of the exhaust volume.

[Statutory Authority: Chapter 70.120 RCW. 96-21-029 (Order 95-11), § 173-422-060, filed 10/9/96, effective 11/9/96; 95-06-068 (Order 93-35), § 173-422-060, filed 2/28/95, effective 3/31/95; 93-10-062 (Order 91-46), § 173-422-060, filed 5/3/93, effective 6/3/93; 90-06-062, § 173-422-060, filed 3/6/90, effective 4/6/90. Statutory Authority: RCW 70.120.120, 43.21A.080, 70.94.331 and 70.94.141(1). 83-23-115 (Order DE 83-31), § 173-422-060, filed 11/23/83, effective 1/2/84. Statutory Authority: RCW 70.120.120. 82-02-027 (Order DE 81-32), § 173-422-060, filed 12/31/81; 80-03-070 (Order DE 79-35), § 173-422-060, filed 2/28/80.]

173-422-065 DIESEL VEHICLE EXHAUST EMISSION STANDARDS.

Diesel motor vehicles subject to this chapter shall meet the following opacity standards using the test procedures specified in WAC 173-422-075.

Model Year	Opacity (%)
1968 - 1973	70
1974 - 1991	60
1992 and later	40

[Statutory Authority: Chapter 70.120 RCW. 95-06-068 (Order 93-35), § 173-422-065, filed 2/28/95, effective 3/31/95; 93-10-062 (Order 91-46), § 173-422-065, filed 5/3/93, effective 6/3/93.]

173-422-070 GASOLINE VEHICLE EXHAUST EMISSION TESTING PROCEDURES.

All persons certified by, or under contract to, the department to conduct motor vehicle emission inspections shall use the exhaust emission testing procedures described in (II) Two Speed Idle Test; or (III) Loaded Test of Appendix B-Test Procedures of Subpart S-Inspection/Maintenance Program Requirements of Part 51 of chapter 1, Title 40 of the Code of Federal Regulations adopted November 1, 1992, except that the department may require that the following Acceleration Simulation Mode (ASM) test procedure replace the cruise mode of the loaded test. Equivalent procedures may be approved by the department.

Variations to the procedures specified may be established by the department for all or certain vehicles. Vehicles, not repaired as required by an emission recall for which owner notification was attempted after January 1, 1995, shall not be inspected until compliance with the recall is established.

Acceleration Simulation Mode (ASM)

1. Dynamometer Load: Set dynamometer horsepower load equal to $[\text{Vehicle Weight (lbs.)} + 300] / 300$. An Environmental Protection Agency specified loading may also be used.
2. Vehicle Gear Selection: Vehicles with automatic transmissions use Drive (not Overdrive), vehicles with manual transmissions use second gear unless the engine speed exceeds 2500 revolutions per minute (measured by the vehicle's tachometer or by an evaluation of the vehicle's sound) then use third gear.
3. Vehicle Speed: Set vehicle speed at 25 miles per hour (mph) $1.5 \pm$ mph.
4. Pass or Fail Determinations: Once the vehicle has been operating at 25 mph for 15 seconds, begin measuring exhaust HC, CO, CO₂, and NO_x each second. The reading for pass or fail determinations is the running average of five measurements. When a final pass or fail determination is made, this mode will be stopped and the final readings recorded.

5. Fast Pass (HC, CO): When NO_x is not measured, the vehicle will pass after 15 or more seconds of measurements if: Both HC and CO readings are passing, and three successive one second measurements are equal to or less than the HC and CO standards and are within 20 ppm HC and 0.20% CO of each other.
6. Fast Pass (HC, CO, NO_x): When NO_x is measured, the vehicle will pass after 45 or more seconds of measurements if the HC, CO and NO_x readings are equal to or less than the standards.
7. Fast Fail: The vehicle will fail after 15 or more seconds of measurements when: HC reading exceeds 1800 ppm, or the CO reading exceeds 9.0 percent.
8. Full Term Pass/Fail: The vehicle will pass or fail after 90 seconds of measurements unless emission readings are declining at a rate that indicates that failing vehicle will pass within the next 30 seconds. Then up to an additional 30 seconds of measurements will be taken before the vehicle fails.

[Statutory Authority: Chapter 70.120 RCW. 96-21-029 (Order 95-11), § 173-422-070, filed 10/9/96, effective 11/9/96; 95-06-068 (Order 93-35), § 173-422-070, filed 2/28/95, effective 3/31/95; 94-05-039 (Order 93-10), § 173-422-070, filed 2/8/94, effective 3/11/94; 93-10-062 (Order 91-46), § 173-422-070, filed 5/3/93, effective 6/3/93; 90-06-062, § 173-422-070, filed 3/6/90, effective 4/6/90. Statutory Authority: RCW 70.120.120, 43.21A.080, 70.94.331 and 70.94.141(1). 83-23-115 (Order DE 83-31), § 173-422-070, filed 11/23/83, effective 1/2/84. Statutory Authority: RCW 70.120.120. 82-02-027 (Order DE 81-32), § 173-422-070, filed 12/31/81; 80-03-070 (Order DE 79-35), § 173-422-070, filed 2/28/80.] Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency.

173-422-075 DIESEL VEHICLE INSPECTION PROCEDURE.

Diesel vehicles shall be tested using the following procedure:

- (1) With the transmission in neutral, move the accelerator pedal from normal idle as rapidly as possible to the full power position, and hold in this position until the speed governor limits the engine speed or the engine might exceed the maximum speed allowed by the vehicle manufacturer.
- (2) Fully release the accelerator pedal so the engine decelerates to normal idle.
- (3) Measure the smoke opacity with an opacity meter which meets the requirements specified in WAC 173-422-095 continuously during the test.
- (4) Record the peak opacity reading.
- (5) Repeat the previous steps up to ten times if necessary to obtain a peak opacity reading and two peak readings immediately following it that are equal to or less than the standard established in WAC 173-422-065.

[Statutory Authority: Chapter 70.120 RCW. 94-05-039 (Order 93-10), § 173-422-075, filed 2/8/94, effective 3/11/94; 93-10-062 (Order 91-46), § 173-422-075, filed 5/3/93, effective 6/3/93.]

173-422-090 EXHAUST GAS ANALYZER SPECIFICATIONS.

Only exhaust gas analyzers meeting the specifications contained in (I) Steady-State Exhaust Analysis System of Appendix D-Steady-State Short Test Equipment of Subpart S-Inspection/Maintenance Program Requirements of Part 51 of chapter 1, Title 40 of the Code of Federal Regulations adopted November 1, 1992, at the time of certification testing may be used for certification testing, unless equivalent specifications have been approved by the department.

[Statutory Authority: Chapter 70.120 RCW. 95-06-068 (Order 93-35), § 173-422-090, filed 2/28/95, effective 3/31/95; 93-10-062 (Order 91-46), § 173-422-090, filed 5/3/93, effective 6/3/93; 90-06-062, § 173-422-090, filed 3/6/90, effective 4/6/90. Statutory Authority: RCW 70.120.120, 43.21A.080, 70.94.331 and 70.94.141(1). 83-23-115 (Order DE 83-31), § 173-422-090, filed 11/23/83, effective 1/2/84. Statutory Authority: RCW 70.120.120. 82-02-027 (Order DE 81-32), § 173-422-090, filed 12/31/81; 80-03-070 (Order DE 79-35), § 173-422-090, filed 2/28/80.]

173-422-095 EXHAUST OPACITY TESTING EQUIPMENT.

The exhaust opacity measurement shall be conducted using an opacity meter approved by the department.

The opacity meter shall:

- (1) Automatically calibrates itself before each test.
- (2) Provide for continuous measurement of exhaust opacity unaffected by rain or wind.

[Statutory Authority: Chapter 70.120 RCW. 94-05-039 (Order 93-10), § 173-422-095, filed 2/8/94, effective 3/11/94; 93-10-062 (Order 91-46), § 173-422-095, filed 5/3/93, effective 6/3/93.]

173-422-100 TESTING EQUIPMENT MAINTENANCE AND CALIBRATION.

- (1) Unless alternative procedures have been approved or required by the department all equipment used in the inspection shall be calibrated and maintained according to the manufacturer's specifications and recommendations. Complete logs as approved by the department shall be kept for maintenance, repair, and calibration.
- (2) The procedures for equipment maintenance and calibration procedures described in (I) Steady-State Test Equipment of Appendix A-Calibrations, Adjustments and Quality Control of Subpart S-Inspection/Maintenance Program Requirements of Part 51 of

chapter 1, Title 40 of the Code of Federal Regulations adopted November 1, 1992, shall be followed by all testing facilities unless equivalent procedures have been approved by the department.

[Statutory Authority: Chapter 70.120 RCW. 95-06-068 (Order 93-35), § 173-422-100, filed 2/28/95, effective 3/31/95; 93-10-062 (Order 91-46), § 173-422-100, filed 5/3/93, effective 6/3/93; 90-06-062, § 173-422-100, filed 3/6/90, effective 4/6/90. Statutory Authority: RCW 70.120.120, 43.21A.080, 70.94.331 and 70.94.141(1). 83-23-115 (Order DE 83-31), § 173-422-100, filed 11/23/83, effective 1/2/84. Statutory Authority: RCW 70.120.120. 82-02-027 (Order DE 81-32), § 173-422-100, filed 12/31/81; 80-03-070 (Order DE 79-35), § 173-422-100, filed 2/28/80.]

173-422-120 QUALITY ASSURANCE.

The department, or its designee, may monitor the operation of each authorized emission inspection/certification facility with unidentified or unannounced and unscheduled inspections to check the calibration and maintenance of the exhaust analyzers, test procedures, and records.

The department (or its designee) may immediately require the suspension of vehicle inspections/certifications in all or part by the inspection/certification facility if violations of this chapter are found during an audit of the inspection facility.

[Statutory Authority: Chapter 70.120 RCW. 95-06-068 (Order 93-35), § 173-422-120, filed 2/28/95, effective 3/31/95; 93-10-062 (Order 91-46), § 173-422-120, filed 5/3/93, effective 6/3/93. Statutory Authority: RCW 70.120.120, 43.21A.080, 70.94.331 and 70.94.141(1). 83-23-115 (Order DE 83-31), § 173-422-120, filed 11/23/83, effective 1/2/84. Statutory Authority: RCW 70.120.120. 80-03-070 (Order DE 79-35), § 173-422-120, filed 2/28/80.]

173-422-130 INSPECTION FEES.

At an inspection facility operated under contract to the state, the fee for the first emission inspection on each vehicle applicable to a vehicle license year shall be twelve or less dollars. If the vehicle fails, one reinspection will be provided free of charge at any inspection station operated under contract to the state, provided that the reinspection is applicable to the same vehicle license year. Any additional reinspection of a failed vehicle applicable to the same vehicle license year will require the payment of twelve or less dollars.

[Statutory Authority: Chapter 70.120 RCW. 94-05-039 (Order 93-10), § 173-422-130, filed 2/8/94, effective 3/11/94. Statutory Authority: RCW 70.120.170 (4)(a). 93-20-010 (Order 93-15), § 173-422-130, filed 9/22/93, effective 10/23/93. Statutory Authority: Chapter 70.120 RCW. 93-10-062 (Order 91-46), § 173-422-130, filed 5/3/93, effective 6/3/93; 90-06-062, § 173-422-130, filed 3/6/90, effective 4/6/90. Statutory Authority: RCW 70.120.040(7). 87-02-051 (Order DE 86-32), § 173-422-130, filed 1/7/87, effective 4/1/87. Statutory Authority: RCW 70.120.120. 82-02-027 (Order DE 81-32), § 173-422-130, filed 12/31/81; 80-03-070 (Order DE 79-35), § 173-422-130, filed 2/28/80.]

173-422-145 FRAUDULENT CERTIFICATES OF COMPLIANCE/ACCEPTANCE.

- (1)(a) Obtaining or attempting to obtain a certificate of compliance by (i) providing false information or (ii) any fraudulent means; or
 - (b) Obtaining or attempting to obtain a certificate of acceptance (i) through the use of receipts or other documentation containing false information, or (ii) any fraudulent means shall be construed as a violation of these rules implementing chapter 70.94 RCW as supplemented by chapter 70.120 RCW.
- (2) Any person who commits such violation or who aids or abets another in committing the same shall be subject to a civil penalty not to exceed two hundred fifty dollars for each violation.
- (3) For the purposes of this section the term "expended" refers to the net actual cost to the vehicle owner in the purchase of repairs or parts derived after the amount of any rebate, discount or cash-return has been subtracted.
- (4) Any civil penalty imposed by the department hereunder shall be appealable to the pollution control hearing board as provided for in chapter 43.21B RCW.

[Statutory Authority: Chapter 70.120 RCW. 90-06-062, § 173-422-145, filed 3/6/90, effective 4/6/90. Statutory Authority: RCW 70.120.120, 43.21A.080, 70.94.331 and 70.94.141(1). 83-23-115 (Order DE 83-31), § 173-422-145, filed 11/23/83, effective 1/2/84.]

173-422-160 FLEET AND DIESEL OWNER VEHICLE TESTING REQUIREMENTS.

The department may authorize emission inspections by fleet operators including government agencies and the owners of diesel motor vehicles with a gross vehicle weight rating in excess of 8500 pounds or by an automotive service or testing facility engaged by the vehicle owner for such activity. Authorizations to conduct emission tests and issue certificates of compliance under this section are limited to authorized fleet vehicles or diesel vehicles with a gross vehicle weight rating in excess of 8500 pounds.

- (1) All persons engaged in testing of gasoline fleet or diesel vehicles must comply with all applicable provisions of this chapter except as approved by the department.

- (2) All persons conducting tests for the purpose of issuing certificates for fleet or diesel vehicles shall be ecology authorized emission specialists.
- (3) Legibly completed forms will constitute certificates of compliance for licensing purposes. Any person conducting testing under this section shall forward to the department within ten working days after the end of each month, a copy of each certificate of compliance issued during that month. Copies of each certificate of compliance shall be retained by the person issuing the certificate for at least two years from date of issuance. Alternative arrangements for providing and or storing this information using automated data storage devices may be approved or required by the department.

Forms must be purchased from the department in advance of issuance through payment of twelve or less dollars to the department for each certificate requested. Refunds or credit may be given for unused certificates returned to the department.

Payment for fleet forms is waived for state and local government fleets.

Test forms provided under this section are official documents. Persons receiving the forms from the department are accountable for each form provided.

Voided forms must be handled the same as certificates of compliance. One copy shall be sent to the department within ten days after the end of the month in which the form was voided and one copy shall be retained by the person accountable for the forms for at least two years after date of voiding. Refunds will not be made for voided forms.

- (4) All persons authorized to conduct fleet or government vehicle inspections under this section shall be subject to performance audits and compliance inspections by the department, during normal business hours.
- (5) Fleet vehicles may be inspected any time between their scheduled license renewals.
- (6) Certificates of acceptance may not be issued under this section.

[Statutory Authority: Chapter 70.120 RCW. 95-06-068 (Order 93-35), § 173-422-160, filed 2/28/95, effective 3/31/95; 94-05-039 (Order 93-10), § 173-422-160, filed 2/8/94, effective 3/11/94; 93-10-062 (Order 91-46), § 173-422-160, filed 5/3/93, effective 6/3/93; 90-06-062, § 173-422-160, filed 3/6/90, effective 4/6/90. Statutory Authority: RCW 70.120.120, 43.21A.080, 70.94.331 and 70.94.141(1). 83-23-115 (Order DE 83-31), § 173-422-160, filed 11/23/83, effective 1/2/84. Statutory Authority: RCW 70.120.120. 82-02-027 (Order DE 81-32), § 173-422-160, filed 12/31/81; 80-03-070 (Order DE 79-35), § 173-422-160, filed 2/28/80.]

173-422-170 EXEMPTIONS.

The following motor vehicles are exempt from the inspection requirement:

- (1) Vehicles proportionally registered pursuant to chapter 46.85 RCW.
- (2) Vehicles whose model year is 1967 or earlier.

- (3) New motor vehicles whose equitable or legal title has never been transferred to a person who in good faith purchases the vehicle for purposes other than resale; this does not exempt motor vehicles that are or have been leased.
- (4) Motor vehicles that use propulsion units powered exclusively by electricity.
- (5) Motor-driven cycles as defined in chapter 46.04 RCW as amended.
- (6) Farm vehicles as defined in chapter 46.04 RCW as amended.
- (7) Vehicles not required to be licensed.
- (8) Mopeds as defined in chapter 46.04 RCW as amended.
- (9) Vehicles garaged and operated out of the emission contributing area.
- (10) Vehicles registered with the state but not for highway use.
- (11) Used vehicles at the time of sale by a Washington licensed motor vehicle dealer.
- (12) Motor vehicles fueled by propane, compressed natural gas, or liquid petroleum gas and so registered by the department of licensing.
- (13) Motor vehicles whose manufacturer or engine manufacturer provides information that the vehicle cannot meet emission standards because of its design. In lieu of exempting these vehicles, alternative standards and or inspection procedures may be established.
- (14) Motor vehicles whose registered ownership is being transferred between parents, siblings, grandparents, grandchildren, spouse or present co-owners and all transfers to the legal owner or a public agency.
- (15) To ensure a biennial inspection of vehicles registered in the emission contributing areas, motor vehicles with model year matching (even to even, odd to odd) the expiration year of the license being purchased. This exemption does not apply to vehicles being inspected because the registered owner is being changed. However, (a) an emission inspection used to change the registered owner may also be used to renew the current license; (b) an emission inspection used to obtain the current license may also be used to change the registered owner.
- (16) When the model year of the vehicle is the same as or greater than the year in which the vehicle's license expires.

[Statutory Authority: Chapter 70.120 RCW. 96-21-029 (Order 95-11), § 173-422-170, filed 10/9/96, effective 11/9/96; 95-06-068 (Order 93-35), § 173-422-170, filed 2/28/95, effective 3/31/95; 94-05-039 (Order 93-10), § 173-422-170, filed 2/8/94, effective 3/11/94; 93-10-062 (Order 91-46), § 173-422-170, filed 5/3/93, effective 6/3/93; 90-06-062, § 173-422-170, filed 3/6/90, effective 4/6/90. Statutory Authority: RCW 70.120.120, 43.21A.080, 70.94.331 and 70.94.141(1). 83-23-115 (Order DE 83-31), § 173-422-170, filed 11/23/83, effective 1/2/84. Statutory Authority: RCW 70.120.120. 82-02-027 (Order DE 81-32), § 173-422-170, filed 12/31/81; 80-03-070 (Order DE 79-35), § 173-422-170, filed 2/28/80.]

173-422-175 FRAUDULENT EXEMPTIONS.

- (1) Obtaining or attempting to obtain an exemption from emission inspection requirements by false statements, or failure to comply with the exemption procedures established to implement WAC 173-422-170, shall be construed as a violation of these rules implementing chapter 70.94 RCW as supplemented by chapter 70.120 RCW.
- (2) Any person who commits such violation or who aids or abets another in committing the same shall be subject to a civil penalty not to exceed two hundred fifty dollars for each violation.
- (3) Any civil penalty imposed by the department hereunder shall be appealable to the pollution control board as provided for in chapter 43.21B RCW.

[Statutory Authority: RCW 70.120.120, 43.21A.080, 70.94.331 and 70.94.141(1). 83-23-115 (Order DE 83-31), § 173-422-175, filed 11/23/83, effective 1/2/84.]

173-422-190 EMISSION SPECIALIST AUTHORIZATION.

- (1) To become an authorized emission specialist an individual shall:
 - (a) Pass a course of study, approved by the department; and
 - (b) Agree in writing to meet the requirements of subsection (2) of this section and all requirements of law or regulation regarding the serving of motor vehicle emission control systems or the motor vehicle emission inspection program.
- (2) To maintain certification, an authorized emission specialist shall:
 - (a) Successfully complete a department-approved course on emission repair within ninety days of being required to do so by the department unless an extension has been granted in writing by the department; and
 - (b) Sign, including the specialist identification number, all receipts and other forms required by the department for emission repairs or adjustments performed. These receipts must be prenumbered, preprinted with the business's name and address and clearly itemize all appropriate repairs performed by the specialist; and
 - (c) Record on all receipts:
 - (i) The vehicle's emission readings after appropriate repairs; and
 - (ii) A vehicle description including the license number and vehicle identification number (VIN); and
 - (iii) Any missing or inoperative primary emission control components; and
 - (iv) Any further recommended appropriate repairs; and

- (d) Not tamper with emission control systems, including adjusting an engine outside of the manufacturer's specifications (chapter 173-421 WAC); and
 - (e) Not obtain or attempt to obtain a certificate of compliance, a certificate of acceptance (repair waiver) or an exemption from the inspection requirements by providing false information or by any fraudulent means (chapter 173-422 WAC); and
 - (f) Not aid or abet any individual in committing a violation of chapter 173-421 or 173-422 WAC.
- (3) The certification of an authorized emission specialist may be revoked for a first violation of chapter 173-421 WAC or WAC 173-422-145, for a period of no more than one year, and may be permanently revoked for a second violation of chapter 173-421 or 173-422 WAC.

The certification of an authorized emission specialist may be temporarily revoked for violation of subsection (2) of this section and may be permanently revoked for continued willful violation of subsection (2) of this section.

An authorized emission specialist whose certification is revoked permanently or temporarily may appeal to the pollution control hearings board as provided for in RCW 43.21B.310.

- (4) An authorized emission specialist whose certification has been temporarily revoked may reapply for certification twelve months after the date of revocation by applying to the department and meeting all requirements of subsection (1) of this section. An application for certification by a permanently revoked authorized emission specialist will be denied.

[Statutory Authority: Chapter 70.120 RCW. 96-21-029 (Order 95-11), § 173-422-190, filed 10/9/96, effective 11/9/96; 95-06-068 (Order 93-35), § 173-422-190, filed 2/28/95, effective 3/31/95; 90-06-062, § 173-422-190, filed 3/6/90, effective 4/6/90.]

173-422-195 LISTING OF AUTHORIZED EMISSION SPECIALISTS.

- (1) A list of authorized emission specialists will be available to the public. Specialists will be listed under one employer's business name when the business is approved for listing. The list will be updated by the department at least once every six months.
- (2) The employer's business name and address will be listed by the department, when the employer agrees in writing to:
 - (a) Require the use of a properly maintained and correctly calibrated exhaust analyzer as a final check for emission repairs or adjustments;
 - (b) Have all emission repairs or adjustments performed by an authorized emission specialist;

- (c) Require the authorized emission specialist to sign the customer's receipt for emission repairs or adjustments, and to record the vehicle's emission readings on the receipt after the work is completed;
 - (d) Require that all employees not aid or abet any person to tamper with emission control systems, including adjusting a vehicle outside of the manufacturer's specifications (chapter 173-421 WAC); and
 - (e) Require that all employees not aid or abet any person to obtain a fraudulent certificate of compliance, certificate of acceptance or an exemption from the inspection requirement (repair waiver) (chapter 173-422 WAC).
 - (f) Notify the department when an authorized emission specialist begins or ends employment.
- (3) An employer may be removed from the authorized emission specialist list for a first violation of chapter 173-421 or 173-422 WAC for a period of no more than one year and may be permanently removed after a second violation of chapter 173-421 or 173-422 WAC.
- An employer may be temporarily removed from the authorized emission specialist list when failing to comply with the requirements of subsection (2) of this section and may be permanently revoked for continued and willful violation of subsection (2) of this section.
- (4) An employer who has been temporarily removed from the authorized emission specialist list may reapply for listing twelve months after the date of removal from the listing by applying to the department and meeting all requirements of subsection (2) of this section. An application for listing from an employer permanently removed from the authorized emission specialist list will be denied.
- (5) An employer who is removed from an authorized emission specialist list or denied listing in an authorized emission specialist list may appeal to the pollution control hearings board as provided for in RCW 43.21B.310.
- (6) (a) An employer approved for listing may display the "state authorized emission specialist" sign available from the department. Any employer advertising or providing of information to the public based on the department's certification of an authorized emission specialist must be discontinued immediately when the employer no longer meets the requirements.
- (b) An employer violating (a) of this subsection shall be subject to a civil penalty not to exceed two hundred fifty dollars for each violation.
- (c) A civil penalty imposed by the department may be appealed to the pollution control hearings board as provided for in RCW 43.21B.310.

[Statutory Authority: Chapter 70.120 RCW. 95-06-068 (Order 93-35), § 173-422-195, filed 2/28/95, effective 3/31/95; 90-06-062, § 173-422-195, filed 3/6/90, effective 4/6/90.]